

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

----- X  
:
  
In re: : Chapter 11
  
:
  
EXIDE TECHNOLOGIES,<sup>1</sup> : Case No. 13-11482 (KJC)
  
:
  
Reorganized Debtor. :
  
: Re: Docket Nos. 166, 276, 355, 2314, 3423
  
:
  
----- X

**CERTIFICATION OF COUNSEL REGARDING CONSENT ORDER (I) APPROVING ABANDONMENT OF PERSONAL PROPERTY AT THE SHREVEPORT PREMISES ON A FINAL BASIS AND (II) RESOLVING CLAIM NUMBER NO. 3971**

The undersigned hereby certifies the following:

1. On June 20, 2013, Exide Technologies (“Exide” or the “Debtor”) filed the *Debtor’s Motion for Entry of an Order Authorizing (I) Rejection of Shreveport Lease and Shreveport Service Contracts as of the Surrender Date and (II) Abandonment of Personal Property* (the “Motion”) [Docket No. 166].
  
2. On July 2, 2013, the Louisiana Department of Environmental Quality (the “LDEQ”) filed the *Limited Objection to Debtor’s Motion for Entry of an Order Authorizing (I) Rejection of Shreveport Lease and Shreveport Service Contracts Nunc Pro Tunc to the Filing Date and (II) Abandonment of Personal Property* (the “LDEQ Objection”) [Docket No. 238].
  
3. On July 3, 2013, Pacific Chloride Inc. (the “Landlord”) and Ansell Healthcare Products LLC (“Ansell” and, collectively, with the Landlord, “PCI”) filed the *Response of Pacific Chloride Inc. and Ansell Healthcare Products LLC in Opposition to Debtor’s Motion for*

<sup>1</sup> The last four digits of the Reorganized Debtor’s taxpayer identification number are 2730. The Reorganized Debtor’s corporate headquarters are located at 13000 Deerfield Parkway, Building 200, Milton, Georgia 30004.

*Entry of an Order Authorizing (I) Rejection of Shreveport Lease and Shreveport Service Contracts as of the Surrender Date and (II) Abandonment of Personal Property (the “PCI Objection”)* [Docket No. 252].

4. On July 11, 2013, the Court held a hearing on the Motion. On July 16, 2013, a telephonic conference was held on the Motion.

5. On July 16, 2013, the Court entered the *Order Authorizing (I) Rejection of Shreveport Lease and Shreveport Service Contracts as of the Surrender Date and (II) Abandonment of Personal Property (the “Rejection Order”)* [Docket No. 355] rejecting the Shreveport Lease<sup>2</sup> and Shreveport Service Contracts as of June 26, 2013 and conditionally abandoning any and all Abandoned Property located at the premises.

6. The parties have now resolved the abandonment issues on a final basis.

7. In addition, the Reorganized Debtor and PCI have resolved all issues with respect to Proof of Claim No. 3971 (the “Amended PCI Claim”).

8. Attached hereto as Exhibit A is a proposed *Consent Order (I) Approving Abandonment of Personal Property at the Shreveport Premises on a Final Basis and (II) Resolving Claim Number No. 3971 (the “Proposed Order”)* which memorializes (a) the parties’ resolution on final abandonment and (b) the agreement of the Reorganized Debtor and PCI with respect to the Amended PCI Claim.

---

<sup>2</sup> All capitalized terms used but otherwise not defined herein shall have the meanings set forth in the Motion.

9. Accordingly, the Reorganized Debtor respectfully requests entry the Proposed Order at the Court's convenience.

Dated: January 17, 2018

SHAW FISHMAN GLANTZ & TOWBIN LLC  
Robert M. Fishman  
Allen J. Guon  
John Guzzardo  
321 N. Clark Street, Suite 800  
Chicago, IL 60654  
Telephone: (312) 541-0151  
Facsimile: (312) 980-3888  
Email: rfishman@shawfishman.com  
aguon@shawfishman.com  
jguzzardo@shawfishman.com

*Counsel for the Reorganized Debtor*

-and-

PACHULSKI STANG ZIEHL & JONES LLP

  
\_\_\_\_\_  
Laura Davis Jones (Bar No. 2436)  
James E. O'Neill (Bar No. 4042)  
919 N. Market Street, 17th Floor  
Wilmington, DE 19801  
Telephone: (302) 652-4100  
Facsimile: (302) 652-4400  
Email: ljones@pszjlaw.com  
joneill@pszjlaw.com

*Special Conflicts Counsel for the Reorganized Debtor*

**Exhibit A**

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

|                                  |   |                                     |
|----------------------------------|---|-------------------------------------|
| In re:                           | ) | Chapter 11                          |
|                                  | ) |                                     |
| EXIDE TECHNOLOGIES,              | ) | Case No. 13-11482 (KJC)             |
|                                  | ) |                                     |
| Reorganized Debtor. <sup>1</sup> | ) | Ref: D.I. 166, 276, 355, 2314, 3423 |
| _____                            | ) |                                     |

**CONSENT ORDER (I) APPROVING ABANDONMENT OF PERSONAL PROPERTY  
AT THE SHREVEPORT PREMISES ON A FINAL BASIS AND  
(II) RESOLVING CLAIM NUMBER NO. 3971**

The Debtor having previously filed a motion (the "Motion")<sup>2</sup> seeking entry of an order authorizing the Debtor to (i) reject an unexpired lease of nonresidential real property (the "Shreveport Lease") and two executory contracts (the Shreveport Shoring Contract and the Shreveport Security Contract, hereinafter collectively referred to as the "Shreveport Service Contracts") as of the Surrender Date, and (ii) abandon personal property (the "Abandoned Property") (D.I. 166), and after considering the objections to the Motion filed by the Louisiana Department of Environmental Quality ("LDEQ") and by Pacific Chloride Incorporated (the "Landlord") and Ansell Healthcare Products LLC ("Ansell" and collectively with Pacific Chloride, for itself and on behalf of its affiliates including, but not limited to Ansell, "PCI"); and the Court having entered an order [Docket No. 355] (the "Prior Order") approving rejection of the Shreveport Lease and the Shreveport Service Contracts as of June 26, 2013, including any subleases or other ancillary contracts associated with the Shreveport Lease and the Shreveport Service Contracts and the Prior Order having also authorized the Debtor to conditionally

<sup>1</sup> The last four digits of the Debtor's taxpayer identification number are 2730. The Debtor's corporate headquarters are located at 13000 Deerfield Parkway, Building 200, Milton, Georgia 30004.

<sup>2</sup> All capitalized terms used but otherwise not defined herein shall have the meanings set forth in the Motion.

abandon any and all Abandoned Property located at the Premises subject to pending objections to final abandonment filed LDEQ and by PCI and the Prior Order having indicated that the Court would conduct a hearing to consider final approval of the abandonment, and the Court being advised that the pending objections to final abandonment have been resolved and the Court being further advised that the sole remaining claim held by PCI in these cases after this Court's Order (I) Approving Settlement; (II) Granting Relief from the Automatic Stay to the Extent Necessary and (III) Granting Related Relief [Docket No. 2314], (the "Settlement Order") and this Court's Findings of Fact, Conclusions of Law and Order Confirming Fourth Amended Plan of Reorganization of Exide Technologies [Docket No. 3423], Claim No. 3971, has been resolved by agreement of the parties and good and sufficient cause appearing therefor,

it is hereby ORDERED as follows:

1. Pursuant to Bankruptcy Code section 554, any and all Abandoned Property located at the Premises, which was conditionally abandoned pursuant to the Prior Order, is hereby abandoned on a final basis effective as of June 26, 2013.

2. Proof of Claim No. 3971 (the "Amended PCI Claim") shall be allowed as a general unsecured claim against the Reorganized Debtor's estate in the amount of \$862,919.51 (the "Allowed PCI Claim"). The Allowed PCI Claim shall be a Class D -- General Unsecured Claim under the Debtors' Fourth Amended Plan of Reorganization (the "Plan") confirmed by this Court on March 27, 2015 [Docket No. 3425] and shall be treated as such in accordance with the terms of the Plan.

3. Any other claim held, asserted or assertable by PCI against the Debtor, its estate, the Reorganized Debtor, or the GUC Trust (as defined in the Plan) as of the Effective Date (as defined in the Plan), is hereby released, expunged and discharged.

4. The terms of the Settlement Order not modified by this Order shall remain in full force and effect.

5. The Reorganized Debtor is authorized to take all actions necessary to effectuate the relief granted in this Order.

6. This Court shall retain jurisdiction with respect to the implementation or interpretation of this Order.

Date: Wilmington, Delaware  
\_\_\_\_\_, 2018

---

The Honorable Kevin J. Carey  
UNITED STATES BANKRUPTCY JUDGE